

Search Warrant

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of

(Briefly Describe the property to be searched or identify the person by name and address)

**A 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116;
Bearing Arizona License Plate AHX5174; located at the
Hopi Police Department in Kykotsmovi, Arizona.**

Case No. 23-04137 MB

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona.
(identify the person or describe the property to be searched and give its location):

As further described in Attachment A.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

As set forth in Attachment B.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before June 23, 2023
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge.

Any U.S. Magistrate Judge on duty in Arizona,
(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for days (not to exceed 30)
☐ until, the facts justifying, the later specific date of _____.

Date and time issued: _____

Judge's signature

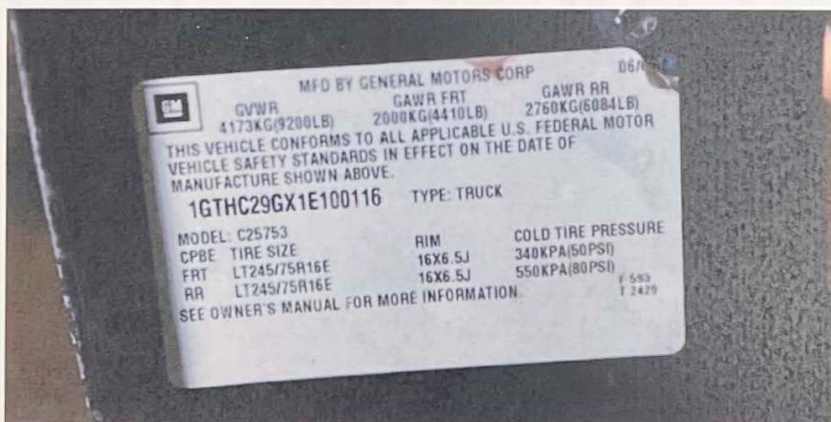
City and State: Flagstaff, Arizona

Honorable Camille D. Bibles, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

PROPERTY TO BE SEARCHED

A 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116; Bearing Arizona License Plate AHX5174, currently located at the Hopi Police Department in Kykotsmovi, Arizona.



ATTACHMENT B

THINGS TO BE SEARCHED FOR AND SEIZED

1. Physical and digital measurements, characteristics, and dimensions of the vehicle further described in ATTACHMENT A.
2. Digital imaging and photographs, to include scans.

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RETURN

Case No.:

23-04137 MB

Date and Time Warrant Executed:

Copy of warrant and inventory left with:

Inventory Made in the Presence of:

Inventory of the property taken and name of any person(s) seized:

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature_____
Printed name and title

FAX or Internet

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of:

A 2001 GMC Pickup Truck;
VIN#1GTHC29GX1E100116; Bearing Arizona
License Plate AHX5174; located at the Hopi
Police Department in Kykotsmobi, Arizona.

Case No. 23-04137 MB

ELECTRONIC APPLICATION FOR SEARCH AND SEIZURE WARRANT

I, F.B.I. Special Agent Jenifer J. Mulhollen, a federal law enforcement officer for the government, request an electronic search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A.

located in the District of Arizona, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. 1153 and 113(a)(3)

Offense Description

Assault with a Dangerous Weapon

The application is based upon the following facts:

- ☒ Continued on the attached sheet (see attached **Affidavit**).
☐ Delayed notice _____ days (give exact ending date if more than 30 _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Alanna Kennedy 

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 6/9/23



Applicant's Signature

Jenifer J. Mulhollen, F.B.I. Special Agent

Printed Name and Title

Sworn by Telephone

Date/Time: _____

Date: _____

Judge's Signature

City and State: Flagstaff, AZ

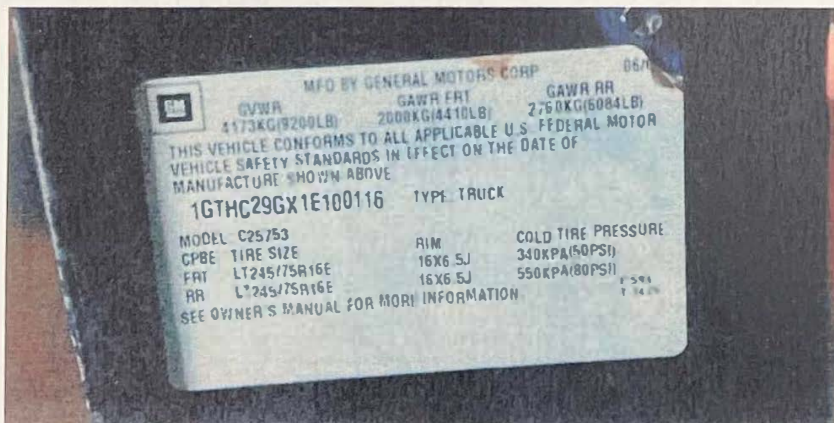
Camille D. Bibles,
United States Magistrate Judge

Printed Name and Title

ATTACHMENT A

PROPERTY TO BE SEARCHED

A 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116; Bearing Arizona License Plate AHX5174, currently located at the Hopi Police Department in Kykotsmobi, Arizona.



ATTACHMENT B

THINGS TO BE SEARCHED FOR AND SEIZED

1. Physical and digital measurements, characteristics, and dimensions of the vehicle further described in ATTACHMENT A.
2. Digital imaging and photographs, to include scans.

STATEMENT OF PROBABLE CAUSE

I, Jenifer J. Mulhollen, being duly sworn, depose and state the following:

BACKGROUND AND EXPERIENCE OF AFFIANT

1. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI) since February 2013. As a SA of the FBI, I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7), that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. In the course of my official duties, I am charged with the investigation of crimes occurring on the Hopi Indian Reservation (Hopi) and Navajo Nation (Navajo) within the District of Arizona. Based on my training, education, and experience, I know that the Hopi Indian Reservation and the Navajo Nation are federally recognized tribes.

2. The facts contained in this affidavit are based upon the FBI’s investigation of this case, including information provided by law enforcement officers and other persons in connection with the FBI investigation into the Assault with a Dangerous Weapon on Hopi Law Enforcement Services (HLES) Officer T.P. and Officer F.D., within the confines of the Hopi Indian Reservation.

3. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, your Affiant has not included every fact known to your Affiant concerning this investigation. Your Affiant has set forth only the facts that your Affiant believes are necessary to establish probable cause for a search warrant.

Introduction

4. On February 3, 2021, HLES notified the FBI Phoenix Operations Center of an officer-involved shooting that occurred near Polacca, Arizona, on the Hopi Indian Reservation, Indian Country, in the District of Arizona. On February 3, 2021, your Affiant, FBI SA Timothy Hornbeck, and SA Brian McGrew responded to an open field approximately one mile southeast of the First Assembly of God Church in Polacca, Arizona where an abandoned 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116; Bearing Arizona License Plate AHX5174 was located.

5. Based on my training and experience and the facts set forth in this affidavit there is probable cause to believe that a violation of 18 U.S.C. §§ 1153, 113(a)(3) Assault with a Dangerous Weapon, was committed against Officer T.P. and Officer F.D. For the reasons set forth below, there is also probable cause to believe that evidence of these crimes will be found in the GMC Pickup truck more fully described in ATTACHMENT A. Accordingly, this application requests authority to search for evidence of these crimes, as more fully described in ATTACHMENT B.

Investigation

6. On February 3, 2021, your Affiant learned that HLES notified the FBI Phoenix Operations Center of an Officer involved shooting that occurred near Polacca, Arizona, on the Hopi Indian Reservation, Indian Country, in the District of Arizona.

7. On February 3, 2021, your Affiant called the HLES dispatcher who stated Officer T.P. sustained injuries during a traffic stop. HLES dispatcher informed your Affiant

all of the HLES officers on duty were in pursuit of a pickup truck bearing license plate AHX5174.

8. On February 3, 2021, FBI SA Jenifer Mulhollen obtained registered vehicle information for Arizona license plate AHX5174. The plate came back to a 2001 GMC Pickup Truck with VIN#1GTHC29GX1E100116 registered to a M.D. from Winslow, Arizona.

9. On February 3, 2021, your Affiant telephonically spoke with Officer T.P. as he was being treated at the Hopi Health Care Center in Polacca, Arizona. Officer T.P. and Officer F.D. were riding together in a marked HLES police vehicle on Arizona State Highway 264 near mile post 392 in the vicinity of First Mesa, Arizona when a dark blue pickup truck rolled through a stop sign and almost struck their police vehicle. Officer T.P. was the operator of the marked HLES police vehicle. Officer T.P. activated his lights and pursued the vehicle to conduct a traffic stop and notified HLES dispatch with the license plate information. At some point during the pursuit, the truck turned into the First Assembly of God Church in Polacca, Arizona. While in the parking lot, the truck drove head-on in the direction of Officer T.P. and Officer F.D.'s HLES marked police vehicle, but did not strike them. Officer T.P. and Officer A.D. pursued the truck in the eastbound direction on Arizona State Highway 264. Approximately half a mile east of the First Assembly of God Church in Polacca, Arizona, Officer T.P. observed a series of gunshots come out of the back-seat window of the truck. Officer T.P. observed gunshots and muzzle flashes coming from a rifle. The rifle had a mounted flashlight and laser. The shooter pointed the laser at the front windshield of the HLES vehicle that Officer T.P. was

operating. Officer T.P. estimated the shooter fired five or six rounds at the HLES vehicle. One of the rounds penetrated the windshield on the driver's side. The glass struck Officer T.P. in his left hand and shoulder. Officer T.P. returned fire from his department-issued firearm. Officer T.P. stopped pursuing the truck to seek a position of cover. Officer T.P. did not fire any shots from his department-issued rifle and Officer F.D. did not fire any shots at all. Neither Officer T.P., nor Officer F.D. were struck by gunshots.

10. On February 3, 2021, HLES Officers located the truck bearing Arizona license plate AHX5174, abandoned in an open field, approximately one mile southeast of the First Assembly of God Church in Polacca, Arizona.

11. On February 3, 2021, your Affiant, FBI SA Timothy Hornbeck, and FBI SA Brian McGrew responded to the location of the abandoned truck. The truck was a dark blue GMC with Arizona license plate AHX5174. Your Affiant observed the front driver and passenger doors were swung open to the vehicle, and the back window of the truck was shattered. Due to the driver side door being swung open, your Affiant observed the VIN#1GTHC29GX1E100116, located on the driver side door.

12. In plain view, your Affiant observed what appeared to be two spent rifle shell casings on the ground near the front driver side door, and one spent rifle shell casing between the floorboard and door jam. These items were seized prior to the truck being towed by HLES to a secured lot to ensure they were not lost.

13. Also in plain view, your Affiant observed the following: one spent rifle round casing on driver side floorboard, one bullet in a crack on the driver's seat, one Dos Equis beer bottle in the middle console, two cell phones on the driver side floorboard, one rifle

magazine under a pillow on the front passenger floorboard (observed butt end), two electronic tablets on the rear passenger door and floorboard. None of these items were collected as evidence, and numerous photos were taken of the interior of the vehicle.

14. On February 3, 2021, HLES Officers impounded the abandoned truck, and the vehicle was towed to the HLES Police Department in Kykotsmovi, Arizona.

15. On February 4, 2021, your Affiant learned from HLES Lt. Qumyintewa that a rifle was found approximately one mile north of where the abandoned truck was located. It appeared there was an attempt to bury the rifle.

16. Officer T.P. and Officer A.D. are both enrolled members of federally recognized tribes.

17. On February 4, 2021, in the early morning hours, your Affiant was informed by HLES that a suspect who went by the name Cherokee George was reported by a Hopi complainant for suspicious activity outside of their home near the location of the abandoned truck. The witness report received from HLES stated the individual identified himself as Ryan Adelbert when asked, not Cherokee George.

18. Upon arrival at the scene, your Affiant was informed by HLES that HLES Officers had three people detained for questioning: Mike Duffy III (Duffy), Cherokee George, and Nanabah Hoyungowa (Hoyungowa). HLES Officers informed your Affiant the name "Cherokee George" did not come back in NCIC to anyone. Your Affiant used her biometrics scanner to take the right and left index finger and thumb prints of "Cherokee George" and the fingerprints were identified through CJIS as Ryan Adelbert Johnson (Johnson), date of birth (DOB) 10/19/1984.

19. Also on February 4, 2021, in the early morning hours, your Affiant and SA Hornbeck attempted to interview Johnson. Johnson requested the presence of legal counsel, so Agents stopped the interview.

20. On February 4, 2021, in the early morning hours, FBI SA Brian McGrew and Bureau of Indian Affairs (BIA) Special Agent Eugene Yazzie attempted to interview Duffy. Duffy stated he did not wish to speak to the interviewers. The interview was concluded, and the digital recorder was deactivated.

21. On February 4, 2021, in the early morning hours, your Affiant and FBI SA Brian McGrew attempted to interview Hoyungowa and her mother, Rufena Koyawena. Hoyungowa invoked her right to counsel and the interview was terminated.

22. On February 5, 2021, your Affiant and FBI SA Brian McGrew executed a Search Warrant on the dark blue GMC truck with Arizona license plate AHX5174 and VIN#1GTHC29GX1E100116. Your Affiant arrived to the location of the Search Warrant execution after the search began. During the execution of the Search Warrant, there were items which were not collected due to being out of the scope of the Search Warrant. Amongst these items were numerous knives and various articles of red clothing, including red Chicago Bulls clothing, distributed throughout the vehicle. One knife was located directly next to the buckle for the driver's side seatbelt.

23. On March 19, 2021, your Affiant and SA Timothy Hornbeck met with Duffy at Navajo County Jail in Holbrook, AZ for the purpose of obtaining his major case prints and DNA standard. SA Mulhollen identified herself and told Duffy his lawyer indicated it would be okay to approach to ask for consent for his major case prints and DNA standard.

Duffy provided verbal consent and your Affiant and SA Timothy Hornbeck collected Duffy's major case prints and DNA standard via (2) buccal swabs.

24. On April 2, 2021, your Affiant, SA Timothy Hornbeck, and SA Brian McGrew executed a search warrant on Johnson (21-4096MB) for DNA via (2) buccal swabs and major case prints.

25. On April 2, 2021, your Affiant, SA Timothy Hornbeck, and SA Brian McGrew executed a search warrant (21-4095MB) on Hoyungowa for DNA via (2) buccal swabs and major case prints.

26. On July 16, 2021, FBI Flagstaff received a report from the FBI Laboratory in Quantico, Virginia (VA) which stated blood was not found on the partially buried rifle which was collected approximately 200 yards away from the abandoned truck. The report stated that male DNA was obtained from the rifle and was interpreted as originating from four individuals. Hoyungowa was excluded as a potential contributor to the rifle. Duffy was given a likelihood ratio of 4.2×10^{14} (420 trillion) with very strong support for inclusion as a contributor. Johnson was given a likelihood ration of 2,000 with moderate support for inclusion as a contributor.

27. On May 2, 2022, FBI Flagstaff obtained Navajo Certificates of Indian Blood for Johnson and Duffy.

28. On June 15, 2022, FBI SA Eric Stoddard examined the rifle for purposes of determining classification under Title 18 United States Code Chapter 44 and whether it moved in interstate or foreign commerce. SA Stoddard physically examined the following firearm markings, which included the serial number, name of manufacturer, model and

caliber, and also, when applicable, the importer. The rifle was an Anderson Manufacturing rifle, Model AM-15, serial number 14049892, with an overall length of approximately 32 ¾ inches and a barrel length of approximately 17 ½ inches. Based on the physical examination of the firearm, SA Stoddard determined the firearm was manufactured by Anderson Manufacturing in Hebron, Kentucky, and is a firearm as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3) and was not manufactured in the State of Arizona.

29. On July 31, 2022, Johnson was arrested pursuant to a federal arrest warrant for the following: title 18 USC 1153, 113(a)(3) and 2, CIR: Assault with a Dangerous Weapon and Aid and Abet; Title 18 USC 924(c)(1)(A)(iii) and 2, Discharge of a Firearm During a Crime of Violence and Aid and Abet; and Title 18 USC 922(g)(1) and 924(a)(2), Felon in Possession of a Firearm. Johnson was interviewed during transport after his arrest. The interview was recorded. During transport, Johnson asked questions about his charges. Johnson stated he was, “just catching a ride that day and did not know what the hell was going on. They started taking off and that fucking girl started shooting at the cop.” Your Affiant informed Johnson his DNA was found on the weapon used in the shooting. Johnson stated he did not know Hoyungowa. Johnson stated he was sitting in the front passenger seat. Johnson reiterated the girl was the person who shot the gun from the backseat of the truck. Your Affiant explained to Johnson there was not enough room to manipulate the weapon in the back seat of the truck and Hoyungowa’s DNA was not found on the weapon.

Things to be Searched for and Seized

30. Based on the foregoing, your Affiant is seeking another search warrant to search the abandoned 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116; Bearing Arizona License Plate AHX5174 registered to M.D. further described in ATTACHMENT A for evidence pertaining to the Assault with a Dangerous Weapon investigation on Hopi Law Enforcement Services (HLES) Officer T.P. and Officer F.D. The vehicle has been maintained continuously in HLES custody since its initial seizure.

31. Based upon the facts contained in this Affidavit, your Affiant submits there is probable cause to believe that the items listed in ATTACHMENT B will be found the 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116; Bearing Arizona License Plate AHX5174 described in Attachment A.

32. Based on your Affiants training, education, and experience suspects often leave behind evidence from the commission of the offenses they commit. Thus, your Affiant is seeking a warrant to search for evidence related to Assault with a Dangerous Weapon investigation on Hopi Law Enforcement Services (HLES) Officer T.P. and Officer F.D., further described in ATTACHMENT B.

33. Two search warrants were previously executed on the abandoned vehicle. The first search warrant, 21-4029MB, was executed on February 4, 2021 and the search warrant return was sent to the court on February 11, 2021. The second search warrant, 21-4037MB, was executed on February 11, 2021 and the search warrant return was sent to the court on February 25, 2021.

34. The things to be searched for and seized are described further in ATTACHMENT B.

Conclusion

35. Based on the foregoing, your Affiant believes there is probable cause to support that violations of federal law have occurred as described above. Further, in anticipation of trial and in an abundance of caution to ensure lawful presence to obtain the measurements requested in ATTACHMENT B, your Affiant is seeking this search warrant. The place to be searched is particularly described in ATTACHMENT A, and the things to be searched for and/or seized are described with particularity in ATTACHMENT B. Accordingly, your Affiant requests the issuance of a federal search warrant for a 2001 GMC Pickup Truck; VIN#1GTHC29GX1E100116; Bearing Arizona License Plate AHX5174.

36. This affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

June 9, 2023
Date



Special Agent Jenifer J. Mulhollen
Federal Bureau of Investigation

Telephonically sworn on the 9th day of June, 2023.

HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge